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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,556	11/05/2003	Yu-Chih Liu	0941-0862P	1051
2292 7590 06/18/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747			EXAM	INER
			GOMA, TAWFIK A	
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			2627	
			NOTIFICATION DATE	DELIVERY MODE
	•		06/18/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

	A 19 49 BI	A 12				
	Application No.	Applicant(s)				
	10/700,556	LIU, YU-CHIH				
Office Action Summary	Examiner	Art Unit				
	Tawfik Goma	2627				
The MAILING DATE of this communication ap Period for Reply	opears on the cover sheet w	vith the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING [- Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the maili earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUN. 136(a). In no event, however, may a d will apply and will expire SIX (6) MO tte, cause the application to become A	CATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 14	May 2007.					
2a) This action is FINAL . 2b) ⊠ Th	This action is FINAL . 2b)⊠ This action is non-final. '					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under	Ex parte Quayle, 1935 C.I	D. 11, 453 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1,2 and 4-13</u> is/are pending in the a	pplication.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) <u>1,2,4,5 and 7-12</u> is/are allowed.						
6)⊠ Claim(s) <u>6 and 13</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/	or election requirement.					
Application Papers						
9) ☐ The specification is objected to by the Examir	ner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) ☐ The oath or declaration is objected to by the E	Examiner. Note the attache	d Office Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreig a) ☐ All b) ☐ Some * c) ☐ None of:	n priority under 35 U.S.C.	§ 119(a)-(d) or (f).				
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bure	•	t reactived				
* See the attached detailed Office action for a lis	st or the certified copies no	t received.				
Attachment(s)						
1) Notice of References Cited (PTO-892)		Summary (PTO-413) (s)/Mail Date				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date		Informal Patent Application				

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DETAILED ACTION

This action is in response to the amendment filed on 5/14/2007.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 13 contain the trademark/trade name "Windows". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe the function GetTickCount() and, accordingly, the identification/description is indefinite.

Allowable Subject Matter

Claims 1-2, 4-5 and 7-12 are allowed for the same reasons provided in the previous office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. Goma /Tawfik Goma/ 6/5/2007

WILLIAM KORZÜCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600